

3. Claim 82-83, drawn to a method of treating a glutamine deficiency in mammal, classified in class 562, subclass 1.
4. Claims 84-86, drawn to a method of treating primary adrenal insufficiency, classified in class 424, subclass 134.1.
5. Claim 87, drawn to a cell culture serum substitute, classified in class 435, subclass 1.
6. Claim 88, drawn to a method of producing a cysteine cross-linked polypeptide, classified in class 910, subclass 260.
7. Claims 89-90, drawn to a cysteine cross-linked polypeptide, classified in class 435, subclass 41.
8. Claims 91 and 93, drawn to a method of producing a globular polypeptide and a random coiled polypeptide classified in class 435, subclass 68.1.
9. Claims 92 and 94, drawn to a globular peptide and a random coiled polypeptide, classified in class 930, subclass 10.

Election With Traverse

Applicants hereby elect to prosecute the invention of Group 1, with traverse. More specifically, Applicants assert that the numerous groups defined by the Examiner are all related co-polymers of various amino acids.

Specifically, on page 3 of the Office Action the Examiner on states “[i]nventions I and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. (MPEP § 806.05 (h)).” The Examiner states that Groups I, II, III, V, VI, VII, VIII and IX are unrelated.

Applicants, submit that even in the Examiner finds that the restriction is maintained that groups 1, 2, and 4 should be examined together. The Examiner has already stated that groups 1

and 4 are related. Both Group 1 and Group 2 relate generally to the use of internalized domains or pockets of amino acids and manipulation of tertiary structure of an amino acid polymer.

Moreover, it is submitted that the claims of the designated groups have not necessarily acquired a separate status in the art for examination purposes, notwithstanding possible different art classifications which may have been artificially assigned thereto in the U.S. Patent and Trademark Office. Art very relevant to the patentability of a pharmaceutical composition using the internalized domains or pockets of amino acids and manipulation of tertiary structure of an amino acid polymer, and the methods related to its application, might very logically be found in the same art classes. The classification cited in support of the election requirement is merely used for cataloging purposes and it is not conclusive of the propriety of such a requirement. It is further submitted that an important advantage in pursuing just one application encompassing both, the pharmaceutical compositions and methods related thereto is that the examination work of the Patent and Trademark Office would be simplified, insofar as duplication of searching effort would be eliminated.

In view of the above remarks, it is thus respectfully requested that the restriction requirement be withdrawn and that all claims be allowed to be prosecuted in the same application. In the event that the requirement is made final, and in order to comply with 37 C.F.R. § 1.143, Applicant reaffirms the election of claims 54-75 (Group I), holding Groups 2-9 in abeyance under the provisions of 37 C.F.R. § 1.142(b) until final disposition of the elected claims.

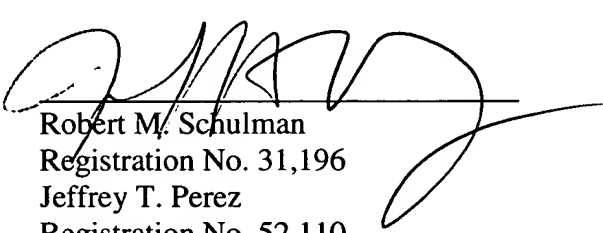
The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 50-0206.

Respectfully submitted,

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